

EXHIBIT

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THE
GENERAL
LAWS OF PENNSYLVANIA,
= Law, Statutes, etc.
FROM THE YEAR 1700, TO APRIL 1849,

CHRONOLOGICALLY ARRANGED:

WITH

NOTES AND REFERENCES,

TO ALL THE DECISIONS OF THE

Supreme Court of Pennsylvania,

GIVING CONSTRUCTION TO SAID LAWS:

WITH A COPIOUS AND MINUTE INDEX.

SECOND EDITION.

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PHILADELPHIA:
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No. 197 CHESNUT STREET.
1849.

1750. purposes, for barring estates so entailed, as fines and common recoveries, by
27 Jan. the laws of England aforesaid, there levied or suffered, of lands, tenements,
and estates, entailed within that realm, are received, declared, or enacted
to be.

Writ of II. *Provided always*, That it shall and may be lawful for any person or
error. persons, either by appeal or writ of error, as the case may require, to seek
and obtain redress against any error or errors which have happened, or may
happen, in any such proceedings.

Passed 27th January, 1750.—1 Sm. L. p. 203.

1751.

CHAPTER XLIV.

9 Feb. AN ACT¹ FOR THE MORE EFFECTUAL PREVENTING ACCIDENTS WHICH MAY
HAPPEN BY FIRE, AND FOR SUPPRESSING IDLENESS, DRUNKENNESS, AND
OTHER DEBAUCHERIES.

To the end the provisions already made by our laws, for preventing accidents
which may happen by fire in the city of Philadelphia, and several other
boroughs and towns, within this province, may be made more generally useful,
and to prevent, as much as in us lies, the growing sins of idleness,
drunkenness, and other debaucheries, too frequent among us, *Be it enacted*,
Laws
against fir-
ing chim-
nies, guns,
fire-works,
&c. extend-
ed.
that if any person or persons whatsoever, within any county town, or within
any other town or borough, in this province, already built and settled, or
hereafter to be built and settled, not hitherto restricted nor provided for by
our laws, shall set on fire their chimnies to cleanse them, or shall suffer them
or any of them to take fire, and blaze out at the top, or shall fire² any gun or
other fire-arm, or shall make, or cause to be made, or sell or utter, or offer
to expose to sale, any squibs, rockets or other fire-works, or shall cast, throw
or fire any squibs, rockets or other fire-works, within any of the said towns
or boroughs, without the governor's special license for the same, every such
person, or persons, so offending, shall be subject to the like penalties and
forfeitures, and to be recovered in like manner, as in and by an act, passed
in the eighth year of the reign of king George the first, entitled, An act for
preventing accidents that may happen by fire, are directed to be levied and
recovered.

IV. If any person or persons whatsoever, shall give or sell any rum,
wine, or other strong liquors, at the time of any vendue, to any person or
persons attending the same, he, she, or they, so selling or giving any liquors,
shall forfeit and pay for the first offence, the sum of four pounds, and for the
second and every other offence, the sum of five pounds.

V. Every of the fines and forfeitures accruing or becoming due, for offences
against this act, shall be paid, one half to the overseers of the poor, for the
use of the poor of the township within which such offence may be committed,
and the other half to the use of him or them, who shall inform or sue for the
same, before any justice of the peace of this province, who is hereby empowered
and authorized to hear and determine the same, and to convict the offender or
offenders, either on his own view, or by the legal testimony of one or more
witnesses; saving to every such offender or offenders the right of appeal in
like manner as is provided in and by an act, entitled, "An act for the more
easy and speedy recovery of small debts"—which fines and forfeitures shall
be recovered by distress and sale of the offender's goods, or for want of such
distress, if the offender refuses to pay, he, she, or they shall be committed to
prison for every such fine, where the same is twenty shillings, the space of

(1) Quare, if this act is in force, since the \$100 act gives no jurisdiction of penalties, and the act
for the more easy and speedy collection of small notes (1 Mar. 1815,) is repealed by the 20 Mar. 1810,
(\$100 act,) § 30.

(2) See further the 24 Dec. 1774.

eight days, without bail or mainprize, and so in proportion for any of the 1751.
greater fines.

VI. *Provided*, that every such conviction be made within one month after
such offence or offences committed. 9 Feb.

Passed 9th February, 1751.—1 Sm. L. p. 208.

*Laws passed at a Session which commenced October 14th,
1751, and ended August 18th, 1752.*

JAMES HAMILTON, LIEUTENANT-GOVERNOR.

CHAPTER XLV.

1752.

AN ACT FOR REGULATING ATTACHMENTS NOT EXCEEDING FIVE POUNDS.¹ 22 Aug.

I. [Relating to the absconding, &c., of the debtor, and of the oath, is Attachment omitted, as supplied according to Jewell v. Howe, 3 Watts, 144, by the 4 before Justices.]

II. As soon as the justice of the peace, before whom the writ of attachment is returnable, accepts the constable's² return thereof, the said justice shall immediately appoint two³ substantial freeholders to take into their custody,⁴ all⁵ the goods and chattels attached, for which they shall be accountable, until they shall dispose of the same as hereinafter is directed, and shall also forthwith publish his said proceedings by advertisements, in the most public places near the late dwelling-place of the person, so as aforesaid absenting, and likewise in one or more of the public newspapers within this province, appointing the time and place for all the creditors of the person, against whose effects and estate the attachment is granted, to appear, then and there to discover and make proof of their demands; and if, after a full and careful examination, it shall appear that there is a just debt due to any one person If a debt from the said defendant, exceeding the sum of five pounds,⁶ that then, and above five in every such case, the said justice of the peace shall no further proceed, but pounds shall deliver and certify to the prothonotary of the county court of common proceedings for the same county the said attachment, and all proceedings thereon transmitted had before him: whereupon it shall and may be lawful for the justices of the to the common pleas. said court to grant and issue one writ of attachment only to the person or persons, who obtained the said attachment from the said justice of the peace, if he demands the same, or if not, then to any other creditor of the defendant, to the sheriff of the same county directed, requiring him to attach all the goods, chattels, rights and credits, lands, tenements and hereditaments, of the said defendant, within his bailiwick; by virtue of which writ, the said sheriff shall, together with the residue of the said defendant's real and personal estate in the same county, attach and take into his custody all the goods and chattels of the said defendant, or the product of such parts of them as may be sold according to the direction of this act, then in the hands and

(1) The old act, 12 W. III., Brad. Ed. 28; and the act of 1705, 1 Sm. 45; and the 2 Mar. 1823; 9 Geo. I., ch. 23; 1 Sm. 158, are expressly or impliedly repealed.

As the act of 1836 provides only for attachments by writ, and as the 4 Dec. 1807, § 15, extending the jurisdiction of justices is ambiguous, this act has been retained when not supplied by the latter.

(2) The attachments may be executed by the deputy constable. 3 Penn. Rep. 230-4.

(3) The 4 December, 1807, § 3, says three honest and discreet men.

(4) Their title does not relate to the issuing of the attachment, and will not keep out a constable's levy, made after the issuing of the attachment, and the appointment of the freeholders. 3 Penn. Rep. 230-4.

(5) They are entitled to the balance of the proceeds of sale on one execution, on which the debtor's property was sold. 3 Penn. Rep. 389.

(6) Where £5 occurs, it is changed to \$100, by 4 December, 1807, § 15.